

**REMARKS**

Summary

This Amendment is responsive to the Office Action mailed on January 16, 2004. Claims 1 and 21 are amended. Claims 1-27 are pending.

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cupps (US 5,991,739) in view of Zervides (US 6,052,674).

Applicants respectfully traverse these rejections in view of the amended claim and the following comments.

Discussion of Amended Claim

Claim 1 is amended to specify that the consolidated invoice is for a plurality of offerings ordered by a plurality of members of that organization during a predetermined time period from a plurality of service providers.

In other words, the consolidated invoice, which is provided to the organization from the intermediary, includes a plurality of offerings ordered by a plurality of members from a plurality of service providers during a predetermined time period. For example, the consolidated invoice may include orders from 30 employees of a company for 62 food orders from 12 different restaurants in one month.

Claim 21 is amended into independent form and specifies that a plurality of consolidated invoices are provided from the intermediary to the organization, each of the consolidated invoices containing amounts due for a

plurality of offerings ordered by a plurality of members from a particular service provider. For example, the intermediary may provide a company with a first consolidated invoice which may include orders from 30 employees of the company for 44 food orders from restaurant A in one month, a second consolidated invoice may include 51 food orders from 25 employees of the company for food ordered from restaurant B in one month, and so on.

#### Discussion of Cited References

The Examiner has rejected claims 1-27 as being unpatentable over Cupps in view of Zervides. Applicants note that the Examiner did not provide any reasoning in the Office Action for his rejection of dependent claims 2-27.

Cupps discloses a system for online ordering. Clients 102A-102N may order from vendors 108A-108M through one or more online ordering machines 106 (Col. 3, lines 49-55; Figure 1). The Examiner indicates in the Office Action that Cupps discloses that the clients are "members" (Office Action, page 2). Nowhere in Cupps is it disclosed or suggested that the clients 102a-102n may be members of the same organization, as claimed by Applicants.

Further, Cupps does not disclose or remotely suggest providing a consolidated invoice as claimed by Applicants. In fact, Cupps is silent as to how the vendors receive payment for the orders from the individual clients. It can therefore be assumed from the disclosure of Cupps that once an order is placed and delivered to the vendor by the online ordering machine 106, there is no further involvement by the online ordering machine and that the

vendor itself, rather than the online ordering machine 106, collects payment for the order upon delivery.

The Examiner has cited to Zervides as disclosing a consolidated invoice that can be used with the online system of Cupps. Zervides discloses an invoice 110 that includes all information relevant to services rendered by supplier 102 for customer 104 (Col. 7, lines 54-56). The invoice 110 of Zervides relates only to orders placed with a particular supplier 102 by the customer 104. Zervides discloses that this invoice 110 includes all information relevant to services rendered to the customer by that particular supplier, including balance owed, payment due date, terms of payment, and payment instructions (Col. 7, lines 54-60).

However, Zervides does not disclose or remotely suggest that invoice 110 is for a plurality of offerings ordered by a plurality of members of that organization during a predetermined time period from a plurality of service providers, as claimed by Applicants. The invoice of Zervides is for goods or services ordered from a single supplier by an entity, rather than for offerings ordered by a plurality of members of an organization from a plurality of providers during a predetermined time period as claimed by Applicants.

Applicants respectfully submit that one skilled in the art would not have been led to the claimed invention by combining the disclosures of Cupps and Zervides. Neither Cupps nor Zervides disclose providing a consolidated invoice from the intermediary to an organization for a plurality of offerings ordered by a plurality of members of

that organization during a predetermined time period from a plurality of service providers, as claimed by Applicants. Cupps does not disclose any type of invoicing provided by the online ordering machine 106. The invoicing of Zervides is from a single supplier to a single customer, and presumably from a single source within that company, such as a supply clerk.

Further, one skilled in the art would not look to combine the disparate disclosures of Cupps and Zervides as indicated by the Examiner. Cupps is directed towards an Internet food ordering system that converts online orders to voice instructions that are transmitted to a food vendor. Cupps does not mention anything regarding billing and payment for the orders, which leads one skilled in the art to believe that the restaurant directly collects payment for the order on delivery. Zervides on the other hand is directed towards an electronic invoicing and collection system which encourages customers to pay invoices by making the customer's payment records public, evaluating credit risks of customer's, and providing a portion of the surcharge for a customer's late payment to a charity. Zervides does not mention online ordering of goods or services, only invoicing of already ordered goods or services. As Zervides is not related to online ordering of goods or services, and Cupps does not mention anything regarding billing and payment, there is no motivation for combining the references as suggested by the Examiner. Only with hindsight gained impermissibly from Applicants' disclosure could one of ordinary skill in the art arrive at the conclusions reached by the Examiner.

For similar reasons, the cited references do not disclose the features of amended claim 21. Amended claim 21 specifies that a plurality of consolidated invoices are provided from the intermediary to the organization, each of the consolidated invoices containing amounts due for a plurality of offerings ordered by a plurality of members from a particular service provider. As discussed above in connection with claim 1, Cupps does not discuss invoicing or payment, and Zervides does not disclose or remotely suggest a consolidated invoice containing amounts due for offerings ordered by a plurality of members of an organization. Further, Zervides does not disclose or remotely suggest the provision of a consolidated invoice relating to each of a plurality of service providers, as set forth in amended claim 21.

In addition, Applicants respectfully submit that the prior art of record does not disclose various features of Applicants' dependent claims, which have not been specifically discussed by the Examiner.

Applicants respectfully submit that the present invention would not have been obvious to one skilled in the art in view of Cupps, taken alone or in combination with Zervides, or any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

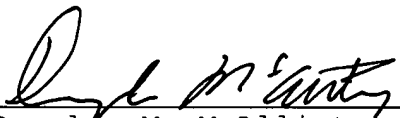
Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Applicants respectfully request that the Examiner telephone Applicants' undersigned counsel prior to issuance of a further Office Action in the event that the current claims are not in condition for allowance.

Conclusion

The Examiner is respectfully requested to reconsider this application, enter the present amendment, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,

  
\_\_\_\_\_  
Douglas M. McAllister  
Attorney for Applicant(s)  
Registration No.: 37,886  
Law Office of Barry R. Lipsitz  
755 Main Street  
Monroe, CT 06468  
(203) 459-0200

ATTORNEY DOCKET NO.: IFF-101

Date: April 15, 2004